

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS

FILED
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2010 JUL 26 P 1:54

U.S. DISTRICT COURT
DISTRICT OF MASS.

COMMONWEALTH OF MASSACHUSETTS)

Plaintiff,)

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)

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v.)

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)

UNITED STATES DEPARTMENT OF)
HEALTH AND HUMAN SERVICES, ET AL)

Defendant.

CASE NUMBER
09-CV-11156 JLT

**LEAVE TO FILE
CLARIFYING POINTS OF LAW
TO MOVANT'S RULE 24(b) and 59(e) MOTIONS**

JULY 26, 2010

MARK A. THOMAS (Pro Se),
INTERVENOR-APPLICANT
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Commonwealth of Massachusetts v. United States Department of Health and Human Services et al.

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NOW COMES the Intervenor-Applicant, Mark A. Thomas, before this Honorable District Court, respectfully seeking **Leave** to file this **CLARIFYING** factual point(s) of law to his "*Leave to Intervene and File Rule 59 (e) Motion.*" Applicant respectfully states the following to this Honorable District Court, Judge Tauro:

- 1.) **IF:** the Commonwealth and the United States have **both** publicly stated they desire the repeal of DOMA – Title 1 U.S.C.A. § 7, there exists - truly - "*no live case or controversy,*" here under Article III;¹
- 2.) **IF:** plaintiff, Attorney General Martha Coakley, for the Commonwealth possessed no lawful authority² in filing this lawsuit that your Honor did – nevertheless - choose to hear and decide;
- 3.) **IF:** the Goodridge³ decision, on which this Court and the Commonwealth so heavily rely, to state and grant a claim for relief, is utterly fraudulent and void by having so vitiated the Massachusetts Constitution;
- 4.) **IF:** your Honor participated in the above ¶ 3 through Largess,⁴ by confirming the four Massachusetts Supreme Court Justices in the above unlawful, misconduct, of introducing "same-sex" marriage into the Commonwealth in 2003;
- 5.) **IF:** the citizens of the Commonwealth and United States have been so utterly defrauded by the above collective acts:^{5 6}...then four events must happen:

¹ See Moore v. Charlotte-Mecklenburg Board. of Education, 402 U.S. 47 (1947); Huffert v. General Motors Corp., 656 F.2d 161, 165 (5th Cir. 1981)

² Movant has exhaustively argued this fact by his pleadings. See also, M.G.L. c.12 § 3

³ Goodridge v. Dept. of Public Health, 798 N.E.2d 941 (Mass. 2003)

⁴ Largess v. SJC of Massachusetts, 317 F.Supp. 2d 77, 83-84 (D. Mass. 2004), *affm'd* 373 F.3d 219 (1st Cir. 2004), *cert denied*.

⁵ Can any reasonable and discerning mind fail to perceive, after 7 years, "*the fruit of the poisonous tree doctrine*" in law and in reality? Goodridge is the "poisonous tree," and everything derived from it: toxic.

⁶ There was fraud in Goodridge; there was fraud in Largess; there was fraud in the legislative and executive process of the citizens' Constitutional Amendment petition; and there was fraud in this DOMA-1 case.

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- I. This Court must grant movant-applicant permission to intervene;
- II. This Court must find, as a matter of law, that Attorney General Martha Coakley had no legal authority to file this lawsuit;
- III. This Court must find as a matter of law, that Goodridge is null and void, abiding of judicial fraud,⁷ mendacity and legal error, all opposed to the Massachusetts Constitution, and seeking to overturn an Act of Congress;
- IV. In addition to all the reasons stated above, there now being no "live case or controversy" between the parties: this Court must **VACATE** the Judgment and dismiss lawsuit 09-CV-11156 JLT according to Article III.

Sidebar Discussion

Your Honor, please try to grasp the magnitude of just one falsehood you propounded in Largess,⁸ where you stated, without legal citation, ***"But, it is the exclusive function of the judicial branch, and ultimately, of Defendant SJC, to decide issues that arise under the Massachusetts Constitution."*** See: Largess v. SJC, 317 F.Supp.2d 77, 84 (D. Mass. 2004) affm'd 373 F.3d 219 (1st Cir. 2004). As a 40-year Federal Judge, you know: "words are important." It is to this **outlandish, reckless**, conclusory phrase you have proffered, without legal support, "*it is the exclusive function of the judicial branch...*" that you and Chief Justice Marshall have *weaved and threaded* the excesses of your judicial authority against the Separation of Powers, Article XXX.

⁷ It cannot be argued: movant's Substantial Offer of Proof in his Argument to this Court clearly demonstrated that Chief Justice Margaret Marshall, by authoring and publishing Goodridge, engaged in fraud-on-the-Court.

⁸ You may tell me sir, that Largess was decided [incorrectly?] on another point of law, the Guarantee Clause. But the false, reckless and extreme prejudicial impact of your 'findings' cannot be remotely calculated. **You** try putting the feathers back in the pillow case or 'un-ringing the bell.' Your Honor brings significant 'baggage' to the DOMA case and to Chief Justice Marshall's misconduct.

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I would remind you, Judge Tauro, that all three branches have “exclusive” functions, **to decide issues that arise** under the Constitution. Governor Patrick has and will decide, under the Constitution, who he will nominate to the SJC; the Governor's Council has and will decide, under the Constitution, whether to confirm such nominations. The Legislature has and will decide, under the Constitution, whether to “suspend the laws” and declare a “sales tax holiday,” and whether to raise or lower the sales or income tax. The Legislature has and will decide, under the Constitution, whom to choose as their Speaker and Senate President, and whom to Impeach and Convict. The Governor will decide, under the Constitution, whether to go to Iraq and elsewhere to review the National Guard troops, as Commander-in-Chief...and the list goes on.⁹ **Finally**, under the Preamble and Articles IV, V, VII, VIII and XVIII, **citizens** have final say under this government and **under the Constitution**.

Judge Tauro: you have done incalculable harm to the Commonwealth by your false, reckless findings, and **you should publicly apologize**.

Margaret Marshall has resigned from the Massachusetts Supreme Court on July 21st and this Court may take judicial notice of that fact.¹⁰ That doesn't cause the main issue go away. The author of the Goodridge decision, therein, committed serious and criminal misconduct. Perjury is to swear an oath, and not fulfill the oath. Beyond argument: to swear an Oath – as in a public Oath of Office¹¹, being “*faithful to the rules and regulations of the Constitution*” - and fail to fulfill it in a material way is **Perjury**. As Chief Justice and superintendent of all attorneys, “*to solemnly swear to do no*

⁹ See Massachusetts Constitution, in general; Separation of Powers Clause, Article XXX, in particular.

¹⁰ See Boston Globe, July 22, 2010, Front Page...above the fold.

¹¹ See Massachusetts Constitution, Chapter VI, Article I

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*falsehood, nor consent to the doing of any in Court...*¹² and then to willfully permeate a judicial court ruling with utter falsehoods and deception is **Perjury**.

Perjury by a Chief Justice is a grave offence against the Court; against citizens; and by swearing "**So Help Me God,**" [she] calls on God to stand next to [her] and be a witness to the lie that [she] is being "*faithful to the rules and regulations of the Constitution.*" Perjury by a public official¹³ is actionable – in virtually every jurisdiction - either under 'Public Corruption Laws' or under general 'Obstruction of Justice' statutes.

Fraud is easily described and understood as it involves basic dishonesty:

*"And **fraud** may be defined to be any artifice whereby [she] who practices it gains or attempts to gain, some undue advantage to [herself], or to work some wrong or do some injury to another, by means of representation which [she] knows to be false, or an act which [she] knows to be against right or in violation of some positive duty."* Commonwealth v. Tuckerman, 76 Mass. 173, 203 (1864)...also **fraud** is: "*actual, direct false statements as well as half-truths and the knowing concealment of facts...*" Also..."*the failure to disclose information may also constitute a fraudulent representation if the [Chief Justice] was under a legal, professional or contractual duty to make such disclosure...*"^{14 15}

To commit perjury and fraud at the highest levels of State Government for the purpose of illegally reforming the just and long-held laws¹⁶ of a sovereign State government – under a lawful Constitution - by inculcating one's own "*personal policy preferences*" in the arena of marital and social relations, is public corruption...and possibly sedition. Judicial Perjury and Fraud violates both Article XXIX and c. III, Article I of the Massachusetts Constitution, whereby Judges hold their Offices "*as long as they behave themselves well.*" Might we see Attorney General Martha Coakley

¹² See M.G.L. 221 § 38 Lawyers Oath of Office

¹³ The Code of Judicial Conduct and Rules of Professional Conduct for Attorneys is also relevant.

¹⁴ See discussion in *In Re Lupron® Etc.* 295 F. Supp. 2d 148, 165-66 (D. Mass. 2003)

¹⁵ See discussion in *Hazel-Atlas v. Hartford*, 322 U.S. 238 (1944)

¹⁶ These acts also violate Articles VI, V and VII of the Declaration of Rights.

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conduct an investigation? Let's not hold our breath. Despite directives from the

Legislature to be generally attuned to "all violations of law,"¹⁷ Chief Justice Marshall has been untouched by the Attorney General's office.

As Chief Justice, Margaret Marshall is *de facto* head of the Board of Bar Overseers and the Commission on Judicial Conduct, and these groups regulate professional Codes of Conduct and meets out [any required] discipline the for hundreds of Judges and thousands of Attorneys. Listed below is a summary of the Acts of Misconduct of Chief Justice Marshall, which after reviewing, would forbid and constrain this Court, in any way using the Goodridge decision. They are very serious charges.

Massachusetts Supreme Judicial Court
Chief Justice Margaret Marshall
Acts of Omitting and Concealing
Articles of Constitution¹⁸

1. **Massachusetts Constitution – Preamble**
2. *Massachusetts Constitution - Amendment Article 106*
3. **Massachusetts Constitution - Chapter III, Article V**
4. **Massachusetts Constitution - Chapter VI, Article VI**
5. **Massachusetts Constitution – Articles IV, V and VII**
6. **Massachusetts Constitution - Article XVIII - Declaration of Rights**
7. **Massachusetts Constitution - Article X - Declaration of Rights**
8. **Massachusetts Constitution - Article XXX - Declaration of Rights**
9. *Massachusetts Constitution - Article XXIX - Declaration of Rights*
10. *Massachusetts Constitution - Chapter I; Section I; Article IV*
11. **Massachusetts Constitution - Chapter VI, Article I**
12. **Massachusetts Constitution - Chapter V, Section II**
13. **M.G.L. Chapter 221 § 38**

¹⁷ See M.G.L. c. 12 § 10 and many other statutes

¹⁸ If either an Article or Clause of the Constitution, or case law decision is not cited in the Goodridge decision, one may draw the non-rebutted presumption: that it was neither considered, used nor applied in the Goodridge decision, as the final result would have been different. **Omitting and concealing** is the elements of the crime constituting perjury and fraud.

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14. Beyond 'Reasonable Doubt' Review

15. "Rational Basis" Review

16. Interpreting Constitution as One Harmonious Unit

Legal Citations Entirely Omitted From 'Goodridge'

Mangue v. Mangue, 1 Mass. (Williams) 240 (1804) power of Legislature in marriage
Keiger v. Day, 19 Mass. 316, 317 (1824) deference to Legislature in marriage
**Putnam v. Putnam*, 25 Mass. 433, 435 (1829) Regulation of marriage
Holmes v. Hunt, 122 Mass. 505, 516 (1877) long held legislative construction.
Commonwealth v. Mary Hartnett, 69 Mass. 450, 451 (1855) statutory construction
Coe v. Hill, 86 N.E. 949, 950 (Mass. 1909) Deep interest in integrity of marriage
White v. White, 105 Mass. 325 (1870) Proper jurisdiction in marriage
Sparhawk v. Sparhawk, 116 Mass. 315 (1874) Proper jurisdiction in marriage
Loring v. Young, 239 Mass. 349, 376-377 (1921) Absolute Power of Constitution
Davison v. Johonnet, 48 Mass. 388, 395 (1844) Constitutionality of Legislative acts
Commonwealth v. S. S. Kresge Co., 166 N.E. 558, 559 (Mass. 1929) Beyond Doubt
Sears v. Treasurer & Receiver General, 98 N.E.2d 621 (Mass. 1951) Obedience
Fitzgerald v. Selectmen of Braintree, 5 N.E.2d 838 (1937) Legislative construction
Mile Road Corp. v. City of Boston, 187 N.E.2d 826 (Mass. 1963) no debate permitted
In Re Opinion of the Justices, 22 N.E.2d 49 (Mass. 1939) Preamble; Harmonious Unit
In Re Opinion of the Justices, 9 N.E.2d 186 (Mass. 1937) fundamental maxims and rules
In Re Opinion of Justices, 126 N.E.2d 795 (1955) words are not meaningless
In Re Opinion of the Justices, 3 N.E.2d 12, 294 Mass. 610 (Mass. 1936) clear directions
In Re Opinion of the Justices, 712 N.E.2d 83 (Mass. 1999) words and phrases important
Miller v. Secretary of Commonwealth 697 N.E.2d 123, 125 (Mass. 1998) intent of framers
Cambridge v. Lexington, 18 Mass. 506, 508-509 (1823) intent of Legislature in marriage
Commonwealth v. Parker, 19 Mass. 550, 559 (1824)(highest duty to uphold Constitution)
Weems v. United States, 217 U.S. 349, 379 (1909) Wisdom of Legislature
Heller v. Doe, 509 U.S. 312, 319-20 (1993) "Rational Basis Review"
Washington v. Glucksberg, 521 U.S. 702, 720-21 (1997) "Careful Description" analysis

Citations Mentioned-But Substantially Omitted From 'Goodridge'

Milford v. Worcester, 7 Mass. 48 (1810) Powerful Definition and intent of Marriage
Commonwealth v. Munson, 127 Mass. 459 (1879) Powerful Definition of Marriage
Coffee-Rich v. Commonwealth Dept. Public Health, 204 N.E.2d 281 (1965)
Cleburne v. Cleburne Living Ctr., Inc., 473 U.S. 432, 452 (1985), Stevens, J. concurring

Rational Basis Review Citations Omitted 'Adverse' to Decision

Blue Hills Cemetery v. Board of Registration, etc. 398 N.E.2d 471, 474-75 (Mass. 1979)
Supreme Malt Products Co. v. ABC Commission 133 N.E.2d 775 (Mass. 1956)
Lee v. Commissioner of Revenue, 481 N.E.2d 183, 395 Mass. 527 (1985) equal protection
Shea v. Boston Edison Co., 727 N.E.2d 41, 431 Mass. 251 (2000) equal protection
Murphy v. Dept of Correction, 711 N.E.2d 149, 429 Mass. 736 (1999)
Andover Street Assoc. v. City of Boston 817 N.E.2d 759, 442 Mass. 812 (2004)

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Articles of Misconduct and Fraud^{19 20}

Margaret H. Marshall is the Chief Justice of the Massachusetts Supreme Judicial Court and the acclaimed author of *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (2003). The following are claims of misconduct against Marshall.

I. PERJURY – Failure to fulfill or to directly condemn one's solemn Oath. Also, false or misleading statements while under Oath.²¹

- 1) The Chief Justice being under Oath of Public Office²² and “solemnly swearing faithfulness to the rules and regulations of the *Massachusetts Constitution*,” did knowingly and through deliberate omission, conceal from the judicial decision *Goodridge*, **and refuse to apply as law**, at least 10 Articles and Clauses²³ of the *Massachusetts Constitution* that did directly and truly bear on the valid laws of the Commonwealth, as applied to issues in *Goodridge*, done with intent to deceive, defraud and to misrepresent the valid laws of the Commonwealth in deciding the *Goodridge* decision, thereby NOT being “faithful to the rules and regulations of the *Constitution*.”²⁴
- 2) The Chief Justice being under Lawyers Oath of Office²⁵ and “solemnly swearing to do no falsehood nor consent to do any falsehood in Court, So Help Me God,” did commit a falsehood and consented to the committing of the falsehood, by knowingly omitting and concealing from the judicial decision *Goodridge*, **and refusing to apply as law**, the above mentioned 10 Articles of the Massachusetts Constitution as above-described which had a direct, true and controlling bearing on the issues and outcome in *Goodridge*, such act being a direct falsehood by deceiving and concealing.
- 3) The Chief Justice knowing that a lawsuit, *Commonwealth v. United States* (DOMA) 09-cv-11156 JLT, had been filed in federal court, July 8, 2009 by Attorney General Martha Coakley, and being under Lawyers Oath of Office to not “consent to the doing of a falsehood in Court,” Marshall, as Chief Justice **herself, being superintendent of lawyers in the Commonwealth**, and knowing *Goodridge* was a false, deceptive and corrupt legal decision upon which the Commonwealth, the United States and the Court would, in fact, rely, the Chief Justice did allow the lawsuit to proceed and come to Judgment on July 8th 2010, deliberately knowing she had consented to the doing of a falsehood in Court, thereby not fulfilling her Lawyers Oath of Office and committing Perjury. The chief Justice, knowing that *Goodridge* was false and fraudulent and would be

¹⁹ See also movant's *Motion to Intervene* [Dkt. 59] ‘Substantial Offer of Proof’ etc. at p.19 et. seq.

²⁰ Claims of ‘fraud’ must be stated with particularity

²¹ See Black's Law Dictionary (6th Ed.)

²² See Massachusetts Constitution, chapter VI, Art. I

²³ This is understood to mean: to refuse to consider and refuse to apply some or all of the 10 Articles.

²⁴ *Sears v. Treasurer & Receiver General*, 98 N.E.2d 621 (Mass. 1951) owe “implicit obedience”

²⁵ See M.G.L. c. 221 § 38

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used, in Federal Court, and, in part, to overturn an Act of Congress of national concern, causing harm or injury or financial consequences, refused to alert responsible persons, and did, in fact, "consent to the doing of a falsehood in Court."

- 4) The Chief Justice being solemnly sworn under both 'Oath of Public Office' and 'Lawyers' Oath of Office' in authoring Goodridge, and by committing acts in ¶¶ 1-3 above, did as Chief Justice, suborn perjury by soliciting three other Justices²⁶ to "join" in the Goodridge ruling with the Chief Justice, knowing that the Goodridge decision was false, fraudulent and that its deciding principles and points of law were not, "faithful to the rules and regulations of the Constitution," according to solemn Oaths.
- 5) The Chief Justice when issuing the Goodridge decision in 2003, knew there were three, strong, joining, dissenting judicial opinions²⁷ on the Supreme Court, which essentially said, "You can't do this," and 6 ½ years after its release, the Chief Justice has refused to correct or reconsider her actions, not considering them to be *malum in se*.

II. FRAUD – Direct false statements, concealment of facts and deliberate material deception in the performance of a legal and public office duty to the detriment or injury of those who rely on such falsity.²⁸

- 1) In order to deceive "the judicial machinery" of the Court; the public citizenry and those with a legal right to know the truth, the Chief Justice did knowingly omit and conceal from the Goodridge decision, 10 Articles and Clauses of the Massachusetts Constitution, directly bearing on and controlling the Goodridge decision, and **did refuse to apply as law**, and with deliberate intent to misrepresent and pervert the valid existing laws of the Commonwealth as applied to the outcome in Goodridge.
- 2) In order to deceive "the judicial machinery" of the Court; the public citizenry and those with a legal right to know the truth, the Chief Justice did knowingly omit and conceal from the Goodridge decision at least 10 previous decisions of the Massachusetts Supreme Judicial Court^{29 30} and at least 3 previous decisions of the U.S. Supreme Court, directly bearing on and controlling the Goodridge decision, and **did refuse to apply as law**, and with deliberate intent to misrepresent and pervert the valid existing laws of the Commonwealth as applied to the outcome in Goodridge.

²⁶ Justices Greaney, Ireland and Cowin. See Goodridge, 798 N.E.2d 941 (2003)

²⁷ Justices Spina, Cordy and Sossman (deceased). See Goodridge, 798 N.E.2d 941 (2003)

²⁸ See Commonwealth v. Tuckerman, 76 Mass. 173, 203 (1864); In Re Lupron® Etc. 295 F. Supp. 2d 148, 165-66 (D. Mass. 2003)

²⁹ This is understood to mean: to refuse to consider and refuse to apply some or all of the 10 decisions.

³⁰ There are many more than 10 cases listed above, but taken individually and collectively most if not all are controlling law and would have contributed to reaching a fully different outcome in Goodridge and listed decisions were fully adverse to the conclusion reached in Goodridge. **Take your pick, in effect.**

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- 3) In order to deceive "the judicial machinery" of the Court; the public citizenry and those with a legal right to know the truth, the Chief Justice did knowingly consider but **refused** to apply fully, correctly and truthfully the points of law in at least 4 cases. Such cases are listed above.
- 4) In order to deceive "the judicial machinery" of the Court; the public citizenry and those with a legal right to know the truth, the Chief Justice did knowingly and selectively extract from other jurisdictions (either State or Federal), numerous other case law decisions – many with no bearing on the Goodridge decision – and did attempt to confuse and then apply such foreign case law decisions to Goodridge, as valid, - knowing they had little or no validity - while at the same time knowingly and deliberately omitting and concealing at least 10 Articles of the Massachusetts Constitution and at least 10 Massachusetts SJC decisions that did have direct and controlling legal bearing and **did refuse to apply these as law**. Such purpose by the Chief Justice was to deceive, disrupt, confuse and defraud the "judicial machinery" and those with a legal right and interest from knowing the truth and pervert the true outcome in Goodridge.
- 5) In order to deceive "the judicial machinery" of the Court; the public citizenry and those with a legal right to know the truth, the Chief Justice knowingly and deliberately in Goodridge, did make at least 5 material false statements of either fact or law with intent to deceive, misrepresent and falsify the application of law:
 - a) After knowingly concealing at least 10 controlling Articles of the Massachusetts Constitution and 10 SJC case law decisions the Chief Justice under color of law, asserted in a published judicial opinion Goodridge, stating,³¹ *"We owe great deference to the Legislature to decide social and policy issues, but it is traditional and settled role of courts to decide constitutional issues"* ³¹ (footnote in orig.), and then to state in the footnote that this done by *"carefully scrutinizing the statutory ban on same-sex marriages in light of relevant State constitutional provisions"*. The Chief Justice knew that by deliberately omitting at least 20 controlling points of law of constitutional import from Goodridge, and **by refusing to apply as law** such points that did pertain in great measure to the Legislative deference, the Chief Justice was, in fact, NOT giving or "owing great deference to the Legislature," but making a direct false statement of great import in a judicial decision.
 - b) The Chief Justice by deliberately omitting and concealing at least 10 controlling Articles and Clauses of the Massachusetts Constitution and 10 SJC controlling case law decisions that had a direct and substantial bearing of law, and then stating in Goodridge, that **"the Legislative statute does not survive 'rational review,'"**³² the Chief Justice knew this was a false, deceptive and fraudulent statement of great import.

³¹ See Goodridge, 798 N.E.2d at 966

³² Goodridge, 798 N.E.2d at 959

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- c) The Chief Justice announced she was applying as a standard of "rational review" the case of Cleburne v. Cleburne Living Ctr., Inc., 473 U.S. 432, 452 (1985), Stevens, J. concurring.³³ This was accomplished by citing this in the Goodridge decision.³⁴ The Chief Justice then knowingly and willfully concealed and omitted from Goodridge, Justice Stevens' footnote 4 which modifies and reaches an altogether opposing and controlling legal conclusion,³⁵ different than the wording of footnote #33 below. This concealment was done with intent to deceive and misrepresent a controlling point of law used by the Chief Justice in Goodridge. The Chief Justice, with intent to misrepresent and deceive, also concealed and omitted the balance of his concurring opinion thought which gave a new and different meaning³⁶ to footnote #33 below
- d) The Chief Justice by knowingly and willingly omitting and concealing from Goodridge, at least 10 Articles and Clauses of the Massachusetts Constitution and at least 10 decisions of the Massachusetts SJC which were controlling points of law, and by refusing to consider and apply such law to the legal issues in Goodridge, demonstrated manifest and impermissible partiality and bias, and violated Article XXIX of the Constitution which mandates that Judges be impartial and hold their offices "as long as they behave themselves well." Such omissions and concealment served to deceive the "judicial machinery" that the Chief Justice was not acting with impartiality.
- e) Throughout Goodridge, the Chief Justice demanded the (1) Commonwealth produce evidence of "rational reason;" (2) made general conclusions of law without legal citations; and (3) stated that after knowing that marriage in the Commonwealth was always "a man and a woman"... "that does not foreclose the constitutional question." Such acts were all done knowing that the Chief Justice had deliberately omitted and concealed 10 controlling Articles and Clauses of the Massachusetts Constitution and at least 10 decisions of the Massachusetts SJC which were controlling points of law. Such (3) acts were intended to deceive and defraud the "judicial machinery."
- f) On July 4, 2004, the Chief Justice authored an OP-Ed article in the Boston Herald entitled: "**Rights are a privilege; Freedom hinges on judges' free will.**" In the article, Marshall offers various opinions and strongly implores readers and citizens to understand and agree to "independent judges." By knowingly and willingly omitting and concealing 10 controlling Articles and Clauses of the Massachusetts Constitution and at least 10 decisions of the Massachusetts SJC which

³³ "[a]n impartial lawmaker could logically believe that the classification would serve a legitimate public purpose that transcends the harm to the members of the disadvantaged class." ⁴ (Footnote in orig.)

³⁴ Goodridge, 798 N.E.2d at 959

³⁵ "If however, the adverse impact may reasonably be viewed as an acceptable cost of achieving a larger goal, an impartial lawmaker could rationally decide that the cost should be incurred." Cleburne at 452

³⁶ "Thus, the word 'rational' - for me at least - includes elements of legitimacy and neutrality that must always characterize the performance of the sovereign duty to govern impartiality." Cleburne at 452

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were controlling points of law, the Chief Justice knowing she had indeed willfully violated many and various codes of judicial conduct in Goodridge, by not considering and applying the 20 points of law, intended to publicly deceive citizens by asking for "judicial independence," rather than asking for judicial integrity and accountability, and not revealing her Judicial misconduct.

III. CODES of CONDUCT - The above acts of misconduct, perjury and fraud caused the Chief Justice to violate the following Codes:

1) Code of Judicial Conduct –

- a) Canon 1. "A Judge shall uphold the integrity and independence of the Judiciary...enforcing high standards of conduct, and shall personally observe those standards."
- b) Canon 2A. "A Judge shall respect and comply with the law..."
- c) Canon 3A. "A Judge shall perform the duties of Judicial Office." impartially and diligently.
- d) Canon 3A (2) "A Judge shall be faithful to the law."

2) Professional Conduct for Attorneys - Rule 8.4 Misconduct

- a) "Violate or attempt to violate these rules;
- b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.
- c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d) Engage in conduct that is prejudicial to the administration of justice.

Our Constitution "*breathes with two lungs*:"³⁷ One belongs to the citizens; the other, the government: *the respective rights and powers*. The Judiciary, through Chief Justice Margaret Marshall has choked off one of these lungs by the above acts of Perjury, Fraud and Misconduct. This Chief Justice to came to Massachusetts and offered up in a judicial opinion, the profane, dishonest, malicious – and invidious comment "that our Constitution doesn't tolerate 2nd class citizens," when, ***under the law*** for 223 years, neither the Legislature, the citizens nor the Constitution created any such 2nd class citizens. but Marshall by deceiving our Constitution did. All officials are bound by Oath and obedience to the Constitution. The Chief Justice willfully refused to be so bound.

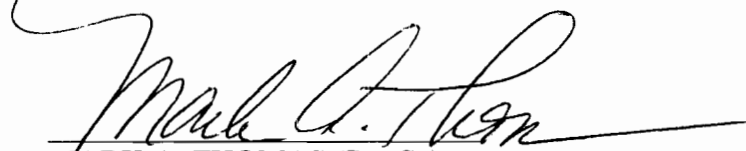
³⁷ Cf. 'Lumen Orientalis' (Light from the East), John Paul II 5/2/1995

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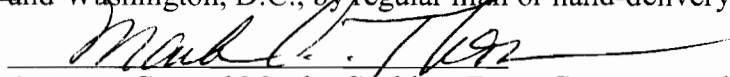
Respectfully Submitted,



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JULY 26, 2010

The applicant hereby certifies that he has made service upon the parties in this case: the Attorney General of the Commonwealth; and the U.S. Department of Justice - in Boston and Washington, D.C., by regular mail or hand-delivery.



Attorney General Martha Coakley, Esq. - Commonwealth of Massachusetts
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